

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is FOLEY & LARDNER LLP, 402 West Broadway, Suite 2100, San Diego, California 92101. On November 14, 2011, I served the within documents:

1. **Defendants' Opposition to Plaintiffs' Motion for Attorneys' Fees and Costs;**
2. **Supplemental Joint Statement on Fees in Support of Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs;**
3. **Supplemental Joint Statement on Costs in Support of Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs;**
4. **Supplemental Declaration of Andrew Serwin in Support of Defendants' Opposition to Plaintiffs' Motion for Attorneys' Fees**
5. **Defendants' Evidentiary Objections to and Motion to Strike Portions of the Declarations Submitted in Support of Plaintiffs' Motion for Attorney Fees and Costs;**
6. **Declaration of Raji Lahoti in Support of Defendants' Opposition to Plaintiffs Motion for Attorneys Fees and Costs**
7. **Defendants' Evidentiary Objections to and Motion to Strike Portions of the Declaration of Mina I. Hamilton Submitted in Support of the Joint Status Report;**
8. **Declaration of Kathryn M.S. Catherwood in Support of Defendants' Comments to Joint Statements on Fees and Costs in Support of Plaintiffs' Motion for Attorneys' Fees and Costs and Defendants' Opposition Thereto**

☐ **BY FACSIMILE** based upon court order or an agreement of the parties to accept service by facsimile, by transmitting via facsimile number (619) 234-3510 the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. No error was reported by the fax machine utilized. *[A copy of the transmission confirmation report is attached hereto.]*

☐ **BY U.S. MAIL** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

☐ **BY OVERNIGHT DELIVERY** by placing the document(s) listed above in a sealed overnight envelope and depositing it for overnight delivery at San Diego, California, addressed as set forth below. I am readily familiar with the practice of this firm for collection and processing of correspondence for processing by overnight mail. Pursuant to this practice, correspondence would be deposited in the overnight box located at **402 West Broadway, Suite 2100, San Diego, California** in the ordinary course of business on the date of this declaration.

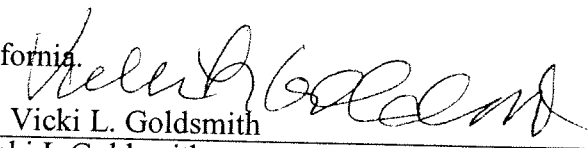
1 ☐ **BY ELECTRONIC SERVICE** based upon court order or an agreement of the parties to  
 2 accept service by electronic transmission, by electronically mailing the document(s)  
 3 listed above to the e-mail address(es) set forth below, or as stated on the attached service  
 4 list and/or by electronically notifying the parties set forth below that the document(s)  
 5 listed above can be located and downloaded from the hyperlink provided. No error was  
 6 received, within a reasonable time after the transmission, nor any electronic message or  
 7 other indication that the transmission was unsuccessful.

8 **X** *(Federal)* **BY CM/ECF NOTICE OF ELECTRONIC FILING** by causing such  
 9 document(s) listed above to be served through this Court's electronic transmission  
 10 facilities via the Notice of Electronic Filing (NEF) and hyperlink, to the parties and/or  
 11 counsel who are determined this date to be registered CM/ECF Users set forth in the  
 12 service list obtained from this Court on the Electronic Mail Notice List.

- 13 • **Robert S Beall**  
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- 14 • **Josephine A Brosas**  
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- 21 • **Joseph Hany Tadros**  
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22 **X** *(Federal)* I declare under penalty of perjury under the laws of the United States that the  
 23 foregoing is true and correct.

24 Executed on November 14, 2011, at San Diego, California.

25   
 26 /s/ Vicki L. Goldsmith  
 27 Vicki L. Goldsmith  
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